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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,885	07/20/2004	Sou Kuroiwa	042600	6564
38834 7590 05/28/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER WEINSTEIN, LEONARD J				
ART UNIT 3746		PAPER NUMBER		
MAIL DATE 05/28/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/501,885

Applicant(s)

KUROIWA ET AL.

Examiner

LEONARD J. WEINSTEIN

Art Unit

3746

All participants (applicant, applicant's representative, PTO personnel):

(1) LEONARD J. WEINSTEIN.(3) HIDEKI TAKAYANAGI.(2) ANDREW MELICK.

(4) ____.

Date of Interview: 26 May 2009.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative)

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: ____.

Claim(s) discussed: 1 and 2.

Identification of prior art discussed: Kajiware et al. US 5,256,033; Kajiware et al. US 5,369,972; Kajiware US 5,318,403; Chien US 6,439,835.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Leonard J Weinstein/
Examiner, Art Unit 3746

/Devon C Kramer/
Supervisory Patent Examiner, Art Unit 3746

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

In the in person interview on May 26, 2009 discussion focused on the prior art disclosed in figure 6 of US 5,369,972. The applicant provided an outline of arguments via facsimile on May 22, 2009 in which it was pointed out that '972 discloses that "no installation space is available between the interstage casings for O-rings." The examiner asserted that despite this disclosure the prior art clearly showed a space where an O-ring could be fit, then as modified by US 5,256,033 that space would be made suitable for an o-ring because a spigot of prior art of '972 would be modified. The examiner also noted that increasing the size of an o-ring to fit into a larger space is an obvious modification. The applicant asserted that such a modification would result in damage to an O-ring and made two points in support. The first point was that element 7 of the prior '972 is shown in contact with a side wall but is not disclosed as being in tight contact such that an O-ring could be retained in a spaced defined by element 7. The examiner noted that this feature of being in "tight contact" was a structural limitation that was not taught by the prior art of '972. A limitation directed toward such a structural feature may distinguish over the prior art however specific support for such a limitation was not identified during the interview. The second point made by the applicant is that the particular shape and arrangement of the instant invention allows the usage of a standardized O-ring. The applicant further asserted that the prior art of '972 taught feature for forming a space in which an O-ring could be fit that would result in some variance from one interstage casing to another. The applicant asserted that this would require O-rings of different sizes in order to provide for a tight seal between each and every interstage casing. The examiner noted that this feature in which a standardized O-ring was capable of being used was not taught by the prior art and may provide for a limitation that distinguish over the prior art cited. The examiner cited page 2, lines 2-11 of the instant disclosure as generally providing support for a limitation that was directed toward the use of an O-ring that was standardized or did not have to be customized for each interstage casing. No specific claim language was presented or agreed upon.

The examiner stated that an amendment directed toward the features of a tight contact fit between a relief plate and an inner surface of a cylindrical side portion of an intermediate adjacent casing and/or an amendment directed toward the feature of an O-ring fitting into a space formed by a relief pate, stage side portion, stage flat portion, and inner surface of cylindrical side portion of intermediate casing that is the same for every casing so that a standardize O-ring can be used for each casing would be considered after-final.

The applicant also proposed submitting an affidavit under CFR 1.132 from a subject matter expert discussing the feasibility of the combination suggested by the examiner as an alternative to amending the claims as discussed. The examiner noted that arguments submitted after-final would be evaluated on the merits and it was an option for the applicant. It was not stated during the interview but the examiner notes that pursuant to CFR 1.116 an affidavit may be submitted after a final rejection upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented.

The examiner noted that prior to amending the claims that applicant may benefit from considering the prior art reference of Chien et al. US 6,439,835.

The examiner agreed to provide a copy of this interview summary via facsimile.